

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB96)

Received: 5/22/2013	Received By: mkunkel
Wanted: As time permits	Same as LRB: a0484
For: André Jacque (608) 266-9870	By/Representing: Jamie Julian
May Contact:	Drafter: mkunkel
Subject: Trade Regulation - other	Addl. Drafters:
	Extra Copies: MPG

Submit via email: **YES**
 Requester's email: **Rep.Jacque@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Federal do-not-call list; exceptions to "robocall" prohibition

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mkunkel	jdye	rschluet	_____	srose	srose	
	5/22/2013	5/22/2013	5/22/2013	_____	5/22/2013	5/28/2013	

FE Sent For:

<END>

2013 DRAFTING REQUEST**Assembly Amendment (AA-AB96)**

Received: **5/22/2013** Received By: **mkunkel**
Wanted: **As time permits** Same as LRB: **a0484**
For: **André Jacque (608) 266-9870** By/Representing: **Jamie Julian**
May Contact: Drafter: **mkunkel**
Subject: **Trade Regulation - other** Addl. Drafters:
Extra Copies: **MPG**

Submit via email: **YES**
Requester's email: **Rep.Jacque@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Federal do-not-call list; exceptions to "robocall" prohibition

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mkunkel 5/22/2013	jdye 5/22/2013	rschluet 5/22/2013	_____	srose 5/22/2013		

FE Sent For:

<END>

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB96)

Received:	5/22/2013	Received By:	mkunkel
Wanted:	As time permits	Same as LRB:	a0484
For:	André Jacque (608) 266-9870	By/Representing:	Jamie Julian
May Contact:		Drafter:	mkunkel
Subject:	Trade Regulation - other	Addl. Drafters:	
		Extra Copies:	MPG

Submit via email: **YES**
 Requester's email: **Rep.Jacque@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given


Topic:

Federal do-not-call list; exceptions to "robocall" prohibition

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mkunkel	1 5/22 jld		_____			

FE Sent For:

<END>

Kunkel, Mark

From: Julian, Jamie
Sent: Wednesday, May 15, 2013 10:16 AM
To: Lewin, Brittany; Kunkel, Mark
Subject: RE: SB 97

Thank you Brittany! Mark – please make the same changes to the assembly bill (AB 96).

Sincerely,

Jamie Julian

Office of Rep. André Jacque
2nd Assembly District

Room 123 West
State Capitol
P.O. Box 8952
Madison, WI 53709

(608) 266-9870

From: Lewin, Brittany
Sent: Wednesday, May 15, 2013 10:05 AM
To: Kunkel, Mark
Cc: Julian, Jamie
Subject: RE: SB 97

Hi Mark:

As a follow-up to our phone conversation, teleforum is an alternate term for what we discussed. Apparently, tele-townhall is a copyrighted term.

Also, just to clarify and confirm, adopting the federal no call list will still allow WI to enforce restrictions based on WI law pertaining to calls, robocalls and text messages, correct? In other words, we can use the federal no call list and enforce stricter state law?

Please let me know if you need any additional information.

Gratefully,

Brittany Lewin
Office of Sen. Sheila Harsdorf
800.862.1092 or 608.266.7745
www.HarsdorfSenate.com

From: Kunkel, Mark
Sent: Tuesday, May 14, 2013 11:28 AM
To: Lewin, Brittany
Cc: Julian, Jamie
Subject: RE: SB 97

I think I need a bit more clarification on what constitutes a "tele-townhall." I can refer instead to a teleconference, which I think has a commonly understood meaning, but do you want to limit the exception to teleconferences held by certain people, such as public officials, or elected officials, or someone else, and/or do you want to limit the exception to those held for specified purposes? Or should it broadly apply to any teleconference?

--Mark

From: Lewin, Brittany
Sent: Monday, May 13, 2013 11:46 AM
To: Kunkel, Mark
Cc: Julian, Jamie
Subject: SB 97

Hi Mark:

Below are the changes we'd like to make to SB 97.

Please draft a narrow exception for an in-state non-profit organization that conducts non-partisan voter reminder calls. See the attached memo for more background. Our objective is to only meet the needs of this Disability Rights WI program. In addition, please make the changes necessary to adopt the use of the federal no call list, which would eliminate the need for Wisconsin to maintain a separate state list, and a provision to clarify that tele-townhalls that eventually connect with a live operator are allowed.

Gratefully,

Brittany Lewin
Office of Sen. Sheila Harsdorf
800.862.1092 or 608.266.7745
www.HarsdorfSenate.com



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa0484/P1
MDK:ld&sc:jm

plain

O-note

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

SENATE AMENDMENT,
TO SENATE BILL 97

20497/1

A 7 to

AB96

RM NOT
RM

Cokey

- 1 At the locations indicated, amend the bill as follows: ✓
- 2 **1.** Page 1, line 4: delete "rules for requesting a listing in the nonsolicitation
- 3 directory" and substitute "prohibiting certain telephone solicitations". ✓
- 4 **2.** Page 2, line 1: before that line insert:
- 5 "SECTION 1g. 20.115 (1) (im) of the statutes is amended to read:
- 6 20.115 (1) (im) *Consumer protection; telephone solicitor fees.* The amounts in
- 7 the schedule from telephone solicitor registration and registration renewal fees paid
- 8 under the rules promulgated under s. 100.52 (3) (a), for consumer protection and
- 9 consumer information and education." ✓
- 10 **3.** Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1r". ✓
- 11 **4.** Page 2, line 4: delete "(a)" and substitute "(a)". ✓

1 **5.** Page 3, line 1: delete lines 1 and 2 and substitute ^y“(im) for establishing and
2 ~~maintaining the nonsolicitation directory under administering and enforcing s.~~
3 100.52 (2).”.

4 **6.** Page 3, line 6: delete the material beginning with that line and ending with
5 page 4, line 10 ³and substitute:

6 **“SECTION 3e.** 100.52 (1) (c) of the statutes is created to read:

7 100.52 (1) (c) “National do-not-call registry” means the national database
8 established by the federal trade commission under 47 USC 227 (c) (3) that consists
9 of telephone numbers of residential customers who object to receiving telephone
10 solicitations.

11 **SECTION 3m.** 100.52 (1) (e) of the statutes is repealed.

12 **SECTION 3s.** 100.52 (1) (fm) of the statutes is created to read:

13 100.52 (1) (fm) “State do-not-call registry” means the portion of the national
14 do-not-call registry that consists of telephone numbers with Wisconsin area codes.

15 **SECTION 4e.** 100.52 (1m) of the statutes is created to read:

16 100.52 (1m) NATIONAL DO-NOT-CALL REGISTRY. The department may cooperate
17 with the federal trade commission to add telephone numbers included in the
18 nonsolicitation directory, as defined in s. 100.52 (1) (e), 2011 stats., to the national
19 do-not-call registry.

20 **SECTION 4m.** 100.52 (2) of the statutes is repealed.

21 **SECTION 4s.** 100.52 (3) (a) of the statutes is renumbered 100.52 (3) and
22 amended to read:

23 100.52 (3) REGISTRATION OF TELEPHONE SOLICITORS. The department shall
24 promulgate rules that require any telephone solicitor who requires an employee or

1 contractor to make a telephone solicitation to a residential customer in this state to
2 register with the department, obtain a registration number from the department,
3 and pay ~~a~~ an initial registration fee and an annual registration renewal fee to the
4 department. ~~The amount of the registration fee shall be based on the cost of~~
5 ~~establishing the nonsolicitation directory, and the amount that an individual~~
6 ~~telephone solicitor is required to pay shall be based on the number of telephone lines~~
7 ~~used by the telephone solicitor to make telephone solicitations~~ or some other
8 methodology established by the department by rule. The rules shall also require a
9 telephone solicitor that registers with the department to ~~pay an annual registration~~
10 ~~renewal fee to the department, at the time of initial registration, the time of annual~~
11 ~~renewal, and any other time upon request of the department, provide the department~~
12 ~~with proof that the telephone solicitor has complied with federal law in obtaining~~
13 ~~copies and updated versions of the state do-not-call registry.~~ The amount of the
14 ~~registration renewal fee fees~~ shall be based on the ~~cost of maintaining the~~
15 ~~nonsolicitation directory amount required to administer and enforce this section and~~
16 ~~to provide the amounts appropriated under s. 20.115 (1) (im).~~

17 **SECTION 5d.** 100.52 (3) (b) of the statutes is renumbered 100.52 (4) (d).

18 **SECTION 5h.** 100.52 (4) (a) 2. of the statutes is amended to read:

19 100.52 (4) (a) 2. Make a telephone solicitation to a ~~residential customer if the~~
20 ~~nonsolicitation directory that is provided or made available to the telephone solicitor~~
21 ~~under sub. (2) (d) includes a listing for the residential customer~~ telephone number
22 that, at the time the solicitation is made, is listed on the state do-not-call registry.

23 **SECTION 5p.** 100.52 (4) (b) 1. of the statutes is amended to read:

1 100.52 (4) (b) 1. Require an employee or contractor to make a telephone
2 solicitation to a person in this state unless the telephone solicitor is registered with
3 the department under the rules promulgated under sub. (3) (a).

4 **SECTION 5t.** 100.52 (4) (b) 3. of the statutes is created to read:

5 100.52 (4) (b) 3. Use or possess a copy or updated version of the state
6 do-not-call registry that the telephone solicitor has obtained in violation of federal
7 law.”.

8 **7.** Page 4, line 15: delete “nonsolicitation directory” and substitute “state
9 do-not-call registry”.

10 **8.** Page 5, line 1: after that line insert:

11 “6. A call initiated by an in-state nonprofit organization to provide information
12 in a nonpartisan manner about voting or election times or schedules.

13 7. A call providing the recipient with the opportunity to connect to a live
14 operator and participate in a teleconference with an elected official.”.

15 **9.** Page 5, line 5: delete “5.” and substitute “7.”.

16 **10.** Page 5, line 10: delete “(a)”.

17 **11.** Page 5, line 11: delete “(a)”.

18 **12.** Page 5, line 11: after that line insert:

19 **“SECTION 7c.** 100.52 (8) of the statutes is created to read:

20 100.52 (8) RULES. The department may promulgate rules to administer and
21 enforce this section.

22 **SECTION 7g.** 100.52 (9) (title) of the statutes is repealed and recreated to read:

23 100.52 (9) (title) DEPARTMENT DUTIES.

24 **SECTION 7L.** 100.52 (9) of the statutes is renumbered 100.52 (9) (b).

SECTION 7p. 100.52 (9) (a) of the statutes is created to read:

100.52 **(9)** (a) The department shall publicize the procedures for a residential customer to add a telephone number to the national do-not-call registry.

SECTION 7t. 100.55 (3) (b) 3. of the statutes is amended to read:

100.55 (3) (b) 3. Knowingly or negligently utilizing information regarding consumers who have made an election under 15 USC 1681b (e) to be excluded from prescreened consumer reports, or who have registered their telephone numbers on the national do-not-call registry as provided in 47 CFR 64.1200, ~~or who are listed in the nonsolicitation directory under s. 100.52 (2).~~

SECTION 7x. Effective date.

(1) This act takes effect on the first day of the 4th month beginning after publication.”.

(END)

d-note
↓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

date

LRBa0497/1dn

MDK: *Λ*....

jld

Rep. Jacque: ✓

This is a companion to LRBa0484/1. ✓

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0497/1dn
MDK:jld:rs

May 22, 2013

Rep. Jacque:

This is a companion to LRBa0484/1.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov